

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

<p>In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of</p> <p>THE COMMONWEALTH OF PUERTO RICO, et al.,</p> <p>Debtors.<sup>1</sup></p> <hr style="border: 0.5px solid black;"/> <p>In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of</p> <p>THE PUERTO RICO ELECTRIC POWER AUTHORITY (PREPA)</p>	<p>PROMESA Title III</p> <p>No. 17 BK 3283-LTS  (Jointly Administered)</p> <p>This filing relates to PREPA Docket No. 22265 PROMESA Title III Case No. 17 BK4780-LTS</p>
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**RESPONSE IN OPPOSITION TO PREPA’S “FIVE HUNDRED THIRTY-FIRST  
OMNIBUS OBJECTION (NON-SUBSTANTIVE) OF THE PUERTO RICO ELECTRIC  
POWER AUTHORITY TO DEFICIENT CLAIMS”**

To the Honorable United States District Judge Laura Taylor Swain:

COMES NOW, creditor, **O’Neill Security & Consultant Services, Inc.**  
(hereinafter “O’Neill”), by and through the undersigned attorney, and respectfully submits  
this response in opposition to PREPA’s *Five Hundred Thirty-First Omnibus Objection*

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

*(Non-Substantive) of the Puerto Rico Electric Power Authority to Deficient Claims* [Docket No. 22265] (the “531 Omnibus Objection”) as follows:

1. On May 29, 2018, *O’Neill Security’s* claim number 28744 was based on a debt owed by PREPA for services rendered by O’Neill Security for \$1,946,485.38 as of July 2, 2017.

2. On September 16, 2022, PREPA’S filed the 531 Omnibus Objection (Docket No. 22265), seeking to disallow several alleged deficient claims, including O’Neill’s claim number 28744. The deadline for O’Neill to respond to the 531 Omnibus Objection was extended to October 31, 2022 (Docket No. 22625).

3. PREPA stated their reason for their 531 Omnibus Objection is that “Claimant [O’Neill] asserts three different claim amounts according to the proof of claim, a response to outreach requesting more information, and supporting documentation provided is such outreach. Claimant has not responded to further communications to determine the claim amount”. (See Doc No. 22265, Exhibit A.)

4. As mentioned above, PREPA does not dispute O’Neill’s claim but contends that it is a “Deficient Claim” because the appearing creditor failed to respond to their alleged requests to provide supporting information and documentation.

5. On or around September 9, 2020, O’Neill received a request for evidence to support POC 28744, see **Exhibit I**. Said request was answered on October 8, 2020. See **Exhibit II**. O’Neill’s legal counsel provided copies of the invoices, contracts, and supporting documents. In summary, more than 2,100 pages of evidence were provided in response to the request. The evidence notified demonstrates that O’Neill has a valid claim. The evidence also provides information sufficient to enable PREPA to both identify

the nature of the obligations and reconcile the claim. A copy of the email providing all information and documents is attached hereto as **Exhibit III**<sup>2</sup>.

6. O'Neill did not receive the alleged "Mailing" referred to in paragraph 17 of the 531 Omnibus Objection. Neither did O'Neill receive any further communication requesting additional information, or to clarify any item or the amount claimed. In support of the foregoing, we will provide a statement under penalty of perjury by a representative of O'Neill.

7. After the filing of the proof of claim on May 29, 2018, O'Neill has continued to receive payments and has had the effect of reducing the original claim amount. This situation, we believe, is what causes PREPA's contention that O'Neill asserts three different claim amounts.

8. Due to the immense volume of documents, O'Neill is willing to sit down and discuss any questions PREPA may have with its claim. Attached as **Exhibit IV** is a worksheet that includes the invoice number, invoice date, invoice amount and current invoice balance, and contract number.

9. Upon objection, a proof of claim provides "some evidence as to its validity and amount" and is "strong enough to carry over a mere formal objection without more." See Lundell v. Anchor Constr. Spec., Inc., 223 F.3d 1035, 1039 (9th Cir. 2000) (citing In re Holm, 931 F.2d 620, 623 (9th Cir. 1991)). A bare and unsupported objection to the allowance of a claim is insufficient to overcome the prima facie evidentiary effect of a properly filed proof of claim. In re Trending Cycles for Commodities, Inc., 26 B.R. 350, 351 (Bankr.S.D.Fla. 1982).

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<sup>2</sup> Due to the size of the document, we created a google share file:  
[https://drive.google.com/file/d/1v25CY7E15dm13ktw71o0ucGy\\_uZv84Rr/view?usp=sharing](https://drive.google.com/file/d/1v25CY7E15dm13ktw71o0ucGy_uZv84Rr/view?usp=sharing)

10. This Response in Opposition to PREPA's 531 Omnibus Objection is filed in accordance with the Amended Omnibus Objection Procedures. Therefore, O'Neill respectfully requests that PREPA's 531 Omnibus Objection be denied as far as the appearing creditor is concerned.

**WHEREFORE**, it is respectfully requested that this Honorable Court deny PREPA's 531 Omnibus Objection as far as the appearing creditor is concerned with any other remedy deemed just and proper.

**I HEREBY CERTIFY** that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will automatically send notification of such filing to all attorneys of record.

**RESPECTFULLY SUBMITTED.**

In Ponce, Puerto Rico, on this 30th day of October 2022.

**ATTORNEY FOR CREDITOR,  
O'NEILL SECURITY & CONSULTANT SERVICES, INC.**

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